

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

DAVID JONES

CASE NO. 6:21-CV-00838

VERSUS

JUDGE JUNEAU


**LEGACY MANAGEMENT GROUP MAGISTRATE JUDGE WHITEHURST
OF LOUISIANA LLC ET AL**

JUDGMENT

THIS MATTER was referred to United States Magistrate Judge Carol B. Whitehurst for report and recommendation, Rec. Doc. 23. After an independent review of the record and the applicable law, including the Defendant's objection, this Court concludes that the Magistrate Judge's report and recommendation is correct and adopts the findings and conclusions therein as its own. Accordingly, as neither complete preemption nor the *Grable* doctrine applies to the Plaintiff's claims, this Court lacks subject matter jurisdiction to determine whether the PREP Act's immunity provisions bar the relief sought. Thus,

IT IS ORDERED, ADJUDGED, AND DECREED that, consistent with the report and recommendation, the Plaintiff's Motion to Remand, Rec. Doc. 23, is **GRANTED**, and this matter is hereby **REMANDED** to Louisiana's Sixteenth Judicial District Court for the Parish of St. Mary. In light of its lack of jurisdiction, this Court will not consider the Defendants' Motion to Dismiss, Rec. Doc. 5.

THUS DONE AND SIGNED in Lafayette, Louisiana, on this 4th day of
August, 2021.



MICHAEL J. JUNEAU
UNITED STATES DISTRICT JUDGE